

CGB-CC-0082

Office of the Secretary  
Federal Communications Commission  
Attention: Disability Rights Office, Room 3-B431  
445 12th Street, SW  
Washington, DC 20554

Received & Inspected  
JAN 17 2012  
FCC Mail Room

**Re: Petition for Exemption from Closed Captioning Requirements  
CG Docket No. 06-181, CGB-CC-~~118~~ 0082**

## **Introduction**

Southcrest Baptist Church, 3801 S. Loop 289 Lubbock, Texas was established in 1954 as a mission of First Baptist Church of Lubbock: became a independent church in 1955. The church now has a membership of over 2400. The church has been a positive influence since 1955. The church offers many ministries to our community. Lubbock is a central location of West Texas therefore, Southcrest is well known in the West Texas area.

The title of our television program is Life Point. This television program is designed to give the viewer insight into the Church's worship experience, personality and doctrine is as well as giving the community and viewers a contact with the Church in times of need.

We have an hour broadcast each week on Fox Channel 34 affiliate at 10:00 am and NBC channel 11 affiliate at 10:30 am. Our church Television ministry (Life Point) produces the hour program each week utilizing volunteers for both stations. The program includes music, testimonies and a sermon from our Pastor. This program reaches into the local and surrounding State Prisons inmates each week. At this time our viewership is based on ages 24 – 48 (being the largest group) and the second group are ages 58 – 70. The average Lubbock viewership is approximately 2800 – 3000 homes.

Providing captioning for this program would result in significant expense and time restraints. Thus, for the reasons set forth below, Southcrest Baptist Church hereby requests an "economically burdensome" exemption from the closed captioning rules for Life Point pursuant to § 79.1(f) of the Commission's rules.

## **Nature and Cost of Closed Captions**

Our Church does not have the finances to purchase closed caption equipment whereby we could provide closed caption. We also do not have the finances for personnel to operate and embed the closed

caption. Therefore, we have contacted closed caption companies and taken 4 bids from 4 providers of this service. In addition we contacted our two stations and they provided names of two closed caption providers. They were very cooperative in helping us.

We are a non-profit organization and it is required that our Stewardship Committee approve or allow if there is any money available for the cost of closed captioning. At this time, it is not in the budget and would be hard to fund it at this time.

We have tried to use software to capture the text from the sermons, unfortunately, missed many of the words and took a lot of time to correct. To render the final video product took approximately 9 hours. Therefore, this method was very time consuming and we could not find enough volunteers to run this method.

#### **Impact on the Operation of the Program Provider**

Total cost of production per year is \$11,830 making each program aired approximately \$500.50 Closed Captioning will increase our cost per week by \$165 weekly. This extra expense will increase our production by 33%. A 33% increase will put a real hardship financially on Southcrest Baptist Church since this is a Ministry to our Community and comes out of our General budget. Our Funding is solely dependant on the giving of the Congregation.

If we are to provide closed captioning in our program it will put a tremendous financial burden on our Church budget and will undermine our ability to provide this program to our community. We feel this would compromise our ability to continue to produce our program.

#### **Financial Resources of the Program Provider**

Southcrest Baptist Church has tax-exempt status with a 501c3 (see attached). Our majority of income is from voluntary offerings from the congregation. For November 2011 we had an income from voluntary offerings \$248,030 with expenditures of \$273,643 with the difference of -\$25,613 coming from our emergency fund line item. (see attached)

### **Type of Operations of the Program Provider**

We strive to communicate the doctrine spelled out in the Bible to members of Southcrest as well as to the community in many facets. We have a time of worship, Bible study, fellowship, special events, special concerts and outreach. One of the largest ministries of the church is our television program. This is a non-profit ministry to our community. We are a non-profit religious institution.

### **Conclusion**

As shown by this Petition and its attachments, the Commission should grant a waiver of the closed captioning requirements in this case, because requiring closed captioning would be economically burdensome. The costs of captioning would be excessively high and would have a significant impact on the Petitioner's operations, undermining its ability to provide the program. The Petitioner's type of operations and financial resources are different in kind and magnitude from a mainstream-programming provider. Because of the significant difficulty and expense of providing closed captions, a waiver under § 79.1(f) is warranted. If more information is needed, please contact me at the address provided below.

Respectfully submitted,

Southcrest Baptist Church

By: 

John Burke, Media Pastor

3801 S. Loop 289

Lubbock, Texas 79423

806-797-9000

Fax 806- 797-5100

Dated: January 12, 20012

Received & Inspected

JAN 17 2012

FCC Mail Room

STATE OF TEXAS)  
LUBBOCK COUNTY:

AFFIDAVIT OF JOHN BURKE

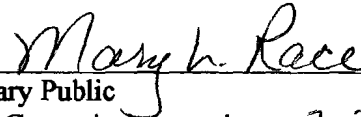
I, John Burke, being first duly sworn, depose and state:

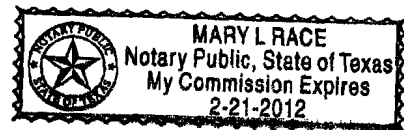
1. I am the Media Pastor at Southcrest Baptist Church a church in Lubbock, Texas. I am over the age of 21.
2. I have reviewed the Petition for Exemption for Closed Captioning Requirements filed on behalf of Southcrest Baptist Church, and, upon information and belief, believe the statements regarding our organization and Life Point to be true and accurate.

FURTHER AFFIANT SAYETH NOT.

  
John D. Burke

SUBSCRIBED TO AND SWORN  
before me this 12 day of January, 2012.

  
Notary Public  
My Commission expires: 2-21-2012



INTERNAL REVENUE SERVICE  
-P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAY 07 2010

SOUTHCREST BAPTIST CHURCH OF  
LUBBOCK TEXAS  
3801 S LOOP 289  
LUBBOCK, TX 79423-1132

Employer Identification Number:  
75-0964543  
DLN:  
17053334310019  
Contact Person:  
EDWARD S SCHLAACK ID# 31536  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
170(b)(1)(A)(i)  
Form 990 Required:  
No  
Effective Date of Exemption:  
August 18, 1954  
Contribution Deductibility:  
Yes  
Addendum Applies:  
Yes

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

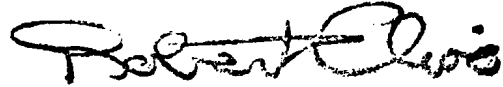
Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

SOUTHCREST BAPTIST CHURCH OF

We have sent a copy of this letter to your representative as indicated in your power of attorney.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Choi". The signature is fluid and cursive, with the first name "Robert" and last name "Choi" clearly distinguishable.

Robert Choi  
Director, Exempt Organizations  
Rulings and Agreements

Enclosure: Publication 4221-PC

SOUTHCREST BAPTIST CHURCH OF

ADDENDUM

Section 4.06 of Revenue Procedure 75-50 requires that private schools provide to the Service annual certification that they are complying with Revenue Procedure 75-50. This is normally done on Form 990, Schedule A. However, since you are exempt from filing Form 990, you must complete Form 5578 annually to certify that you are complying with Revenue Procedure 75-50.



Closed captioning allows persons with hearing disabilities to have access to television programming by displaying the audio portion of a television program as text on the television screen.

Closed captioning provides a critical link to news, entertainment and information for individuals who are deaf or hard-of-hearing. Captions also help improve literacy skills. You can turn on closed captions through your remote control or on-screen menu.

As of January 1, 2006, all "new" English language programming, defined as analog programming first published or exhibited on or after January 1, 1998, and digital programming first aired on or after July 1, 2002, must be captioned, with some exceptions.

As of January 1, 2003, 75 percent of "pre-rule" English language programming, defined as analog programming first shown before January 1, 1998, and digital programming first shown before July 1, 2002, must be captioned, with some exceptions.

**Roll-on captioning FLAT RATES**  
**\$225/half hour**  
**\$350/hour**  
**includes encoding, transcribing, captioning, & digital outputting.**

Standard shipping costs and turn times apply  
 Hard copy output available

**2 DAY TURN AROUND AVAILABLE**

**Pop-on captioning FLAT RATES**

**\$275/half hour**  
**\$400/hour**

**includes encoding, transcribing, captioning, & digital outputting.**

**MENTION THIS  
 SPECIAL AD  
 PRICING**



**Closed Captioning**



**Acceptable Source Formats**  
 H264  
 AVI  
 Quicktime  
 cinetorn  
 AJA  
 Newtek  
 NTSC or PAL

EICB closed captioning services are 100% compliant with FCC requirements. In addition to meeting your necessary requirements, EICB CC will help you better serve the hearing impaired community. In addition, choosing EICB keeps things simple with a FLAT RATE service that will include everything necessary to take your production through the process. We also offer the service of sending your digital broadcast file on to your broadcast outlet so that you don't have to worry about anything. You will also notice that with EICB, our caption services are of a higher quality than live style captioning and we offer the additional service of sending you back the transcription of your program at no extra charge.

**Excellence in Christian Broadcasting**  
 P.O. Box 4655 Cedar Hill, TX 75406  
 972-293-2256 fax 972-293-2677  
 flatratecc@eicbtv.com www.eicbtv.com





Excellence In Christian Broadcasting

EICB has been serving the broadcast community since 1994. This full service production company works in every aspect of production from concept to completion. EICB has produced both national and international programs such as Today With God, CrossTalk International, Wize Flix, and April's Storybarn. Our closed captioning clients have included the above as well as the World Missionary Evangelism, Wycliff Bible Translators, Gospel For Asia, David Wilkerson Ministries & Sky Angel just to mention a few.



FLAT RATE CC  
PO Box 4566  
CEDAR HILL, TX 75106



"Southcrest Baptist Church....  
Encounter the Truth"  
3801 South Loop #289  
Lubbock, TX 79423



972-293-2256  
flatratecc@eicbtv.com

**Mike Lyle**  
ACCOUNT EXECUTIVE

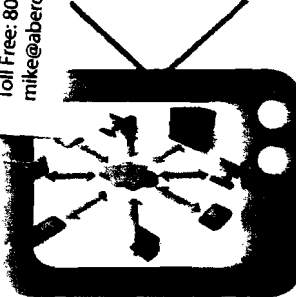
22362 Gilberto, Suite 120  
Rancho Santa Margarita  
California, 92688  
abercap.com

Direct: 949-216-1058  
Cell: 949-600-0003  
Toll Free: 800-688-6621 x211  
mike@abercap.com

Department,

Recently cracked down on hundreds of media producers and broadcasters by rescinding captioning exemptions previously granted in 2006. If you are one of those who missed out, this could be a great opportunity. Captioning prices have fallen significantly, and as of 2011, you have the ability to go completely tapeless with Aberdeen's Digital File Delivery to TV stations and Internet video platforms.

# Aberdeen



## Digital File Delivery

*Cloud-based  
Transcoding  
Digital file  
delivery*



## Language Services

*Translations  
Subtitles  
Voice-overs*



## Closed Captioning

*Live & Post  
Broadcast TV  
Internet  
Meetings*

Our cloud-based, transcoding farm & digital file delivery service is revolutionizing the TV industry by entirely eliminating the need for tape and shipping. So, when fulfilling an FCC obligation with Aberdeen as a partner, lower cost, wider distribution, and better quality abound. Here are just a few of the companies using our services:

- Cornerstone (CTVN)
- Joseph Prince Ministries
- Saddleback Church
- Trinity Broadcasting Network (TBN)
- Daystar Television
- Joyce Meyer Ministries

Please call or e-mail me today so I can guide you through the captioning and delivery process.

Kind regards,

Mike Lyle  
Sales Engineer

*"I just want to say thank you so much!!!! You are a GOD-SEND!!!!!!  
No wonder I recommend people to you!" - Rebecca Banks, Master Media*

**Aberdeen**  
COMMITTED TO THE WORD

Closed Captioning  
Foreign Languages • Digital File Delivery

November 29, 2011

John Burke  
Southcrest Baptist Church  
3801 South Loop #289  
Lubbock, TX 79423

John:

I understand Southcrest Baptist Church may be required to caption previously exempt television programming as the result of recent FCC action. I'm writing to offer creative captioning solutions at special rates from the nation's leading closed captioning company, VITAC. These solutions include:

### **CAPTIONS FORMATTED FOR YOUR EDITING SYSTEM**

Easy and 100% accurate, VITAC will create a caption file that is formatted to work with your nonlinear editing system (.aaf for Avid HD or SD or .scc for Final Cut). Simply upload a low-resolution proxy of your video to our secure FTP site. We will create your caption file and deliver within 2-3 business days. You then lay the caption file into your video timeline and export a captioned video. The total charge to create the captions this way is **\$250 per 60:00 program, \$125 per 30:00 program.**

### **WEEKDAY LIVE CAPTIONING**

VITAC captions 190,000 hours of live programming per year, most of it airing in the morning, evenings and weekends. We're offering a discount to organizations with the ability to encode captions live to tape, between 9:00 a.m. and 6:00 p.m. EST, Monday through Friday. If you have your own caption encoder and the ability to feed us audio, contact us to learn more about this option, which costs **\$110 per 60:00 program, \$55 per 30:00 program.**

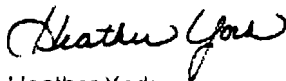
### **TURNKEY LIVE TO TAPE**

Don't have an encoder or editing system? Don't worry! VITAC will accept your video in any format and add live-to-tape captions ourselves. We'll ship back a captioned master within two days of receipt of the video. This option will cost **\$230 per 60:00 for SD videotape, \$115 per 30:00, plus shipping.**

VITAC also offers additional "no worries" solutions including tapeless file delivery with embedded captions. Popular file formats include MXF, QuickTime, MPEG2 Transport and Program streams.

To learn more, please contact VITAC's Client Sales & Services department at [clientservices@vitac.com](mailto:clientservices@vitac.com) or call 724-514-4077. Please mention our "Anglers Order Special." We look forward to the opportunity to work with you in the near future!

Sincerely,



Heather York  
VP, Marketing  
301-881-7534  
[Heather-y@vitac.com](mailto:Heather-y@vitac.com)

101 Hillpointe Drive • Canonsburg, PA 15317 • Phone 724.514.4000 • Fax 724.514.4111  
4605 Lankershim Boulevard, Suite 250 • North Hollywood, CA 91602 • Phone 818.755.0410 • Fax 818.755.0411  
1501 Wilson Boulevard, Suite 1003 • Arlington, VA 22209 • Phone 703.807.2766 • Fax 703.807.2761



# CaptionLabs

1010 Taylor Station Road, Suite E, Columbus, OH 43230  
877-258-7800 • [www.CaptionLabs.com](http://www.CaptionLabs.com)

## IMPORTANT CLOSED CAPTIONING INFORMATION

November 2, 2011

Dear Media Director,

The FCC's recent decision to overturn your closed captioning exemption certainly creates new factors to consider. Production costs and air time purchases are already difficult mountains to climb. Now, you're facing another giant peak in figuring out what to do about closed captioning.

By losing the exemption from the FCC, there are many financial hurdles to consider. **Purchasing captioning software and encoding equipment alone can be insurmountable.** Of course, you'll also have to spend time figuring out the captioning process itself as well as FCC regulations. Then, *creating the captions will eat up your time and constantly push you up against tight deadlines.* Wrestling with these costs and issues will leave you feeling like your only option is to go off the air.

As a producer of religious television content myself, *I have firsthand experience dealing with the financial burden and questions facing you right now.* I also understand and believe in the purpose and significance of your television program. That's why I want to help you move forward.

The FCC's decision can be intimidating, **but my company can help you eliminate that stress.** We've helped many producers save weeks of production time and thousands of dollars with our unique **eCaptioning process.** Simply put, **I know that we can save you time and money.** Plus, we do all the extra work to keep you compliant with the FCC.

I'd love to discuss how my company can help you. We are committed to finding the most cost-effective solution for you. In fact, **I will personally give you a special ministry discount.** Simply mention this letter when you call and you'll receive discounted pricing as low as \$167 per half-hour program! Be sure to contact me soon, because I can only extend this offer to a limited number of clients.

Providing captions can be very beneficial to the mission of your organization. I believe this is truly a great opportunity for us to help you **strengthen the message of your ministry.** Millions of Americans are hard of hearing. Closed captioning will make your program more accessible to both the deaf and elderly communities and is **available to you at a fraction of the cost** of air time and other production expenses.

Remember to mention the special ministry discount when you call. I look forward to talking to you soon!

Sincerely,

Adam R. Grover

CaptionLabs

Phone: 877-258-7800 ext. 104

Email: [agrover@captionlabs.com](mailto:agrover@captionlabs.com)

P.S. Please don't hesitate to contact me. The **special ministry discount of \$167** can only be offered to a limited number of clients, so call and lock in the special pricing today.

# **Southcrest Baptist Church**

## **November 2011 Financial Statement**

Income (from Offerings)	\$248,030
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### **Expenditures:**

Missions	\$ 27,958
Personnel	\$173,693
Property and Equipment	\$ 44,699
Ministries	\$ 27,293

Total Expenditures	<u>\$273,643</u>
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Difference	-( \$ 25,613)*
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\*Difference from reserve Account